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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 THE BOARD OF TRUSTEES, in their) No. CV 09-3620 MEJ
11 capacities as Trustees of the LABORERS)
12 HEALTH AND WELFARE TRUST FUND)
13 FOR NORTHERN CALIFORNIA;) EX PARTE APPLICATION FOR
14 LABORERS VACATION-HOLIDAY TRUST) CONTINUANCE OF CASE
15 FUND FOR NORTHERN CALIFORNIA;) MANAGEMENT CONFERENCE;
16 LABORERS PENSION TRUST FUND FOR) (PROPOSED) ORDER
17 NORTHERN CALIFORNIA; and LABORERS)
18 TRAINING AND RETRAINING TRUST)
19 FUND FOR NORTHERN CALIFORNIA,)
20 Plaintiffs,)
21)
22 v.)
23)
24 VICTORY ENGINEERS, INC., A California)
25 Corporation,)
26 Defendant.)

21 **TO: THE CLERK OF THE COURT AND DEFENDANT VICTORY ENGINEERS,**
22 **INC., A California Corporation:**

23 Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial Case
24 Management Conference scheduled for November 12, 2009 be continued for ninety days to allow
25 the parties to attempt to resolve this matter informally.

Plaintiffs filed its Complaint in this matter on August 6, 2009. Defendant was served with the Complaint on or around August 26, 2009. Plaintiffs have been able to collect some amounts

1 due from the bonding company for Defendant and are in the process of collecting the remaining
2 amounts due. Given these facts, Plaintiffs believe that the Case Management Conference should
3 be continued for ninety days in order to allow the parties to attempt to resolve this matter.

4 The above stated facts are set forth in the accompanying Declaration of Concepción E.
5 Lozano-Batista in Support of Ex Parte Application to Continue Case Management Conference,
6 filed herewith.

7 Dated: November 2, 2009

8 WEINBERG, ROGER & ROSENFELD
A Professional Corporation

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10 By: _____ /s/ *Concepción E. Lozano-Batista*
CONCEPCIÓN E. LOZANO-BATISTA
11 Attorneys for Plaintiffs

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13 **ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

14 Based upon the foregoing Ex Parte Application for Continuance of Case Management
15 Order and Declaration of Concepción E. Lozano-Batista in Support of Ex Parte Application to
16 Continue Case Management Conference, the Court orders a continuance of the Case Management
17 Conference for 90 days, or as soon thereafter as a court date is available. In addition, the Court
18 orders: The CMC is continued to February 18, 2010. All deadlines shall be adjusted
accordingly.

19
20 Dated: November 3, 2009

21 HONORABLE MARIA ELENA JAMES
United States District Court Judge

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